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HUMAN RIGHTS COMMITTEE

Sixty-first session

SUMMARY RECORD OF THE 1628th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 October 1997, at 10 a.m.

Chairperson: Ms. CHANET

later: Ms. MEDINA QUIROGA

later: Ms. CHANET

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GE.97-18842 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Sudan (CCPR/C/75/Add.2; CCPR/C/61/Q/SUD/3)

1. At the invitation of the Chairperson, Mr. El Mufti and Mr. El Radi (Sudan) took places at the Committee table.

2. The CHAIRPERSON welcomed the Sudanese delegation and invited it to introduce the Sudan's second periodic report (CCPR/C/75/Add.2).

3. Mr. EL MUFTI (Sudan) said that the Sudan received extremely negative coverage in the international media as far as human rights were concerned; he therefore hoped that the Committee would evaluate the country's implementation of the Covenant solely on the basis of legislation and practice. He drew the members' attention to the fact that the second periodic report was much more complete than the initial report (CCPR/C/45/Add.3), and that it was accompanied by numerous annexes which were available for consultation in the files of the United Nations High Commissioner for Human Rights. At the time of submission of the initial report, the country had been governed by emergency decrees, the most important of which (First, Second and Third Constitutional Decrees) had provided for the dissolution and banning of all political parties and trade unions and the abolition of the right of assembly and association. The entire country had been undergoing the effects of the armed conflict in the south, and its economic situation had been very poor. As more than six years had gone by since the initial report, his delegation was eager to inform the Committee of the developments in the situation and the measures taken by the Government. He assured members that the Sudanese authorities would make the best possible use of its dialogue with the Committee and would see to it that improvements were made wherever possible. The Sudan did not, however, have sufficient financial and technical resources to inform the international community properly of its efforts and their results. The authorities had been asking for the necessary technical assistance since 1991 but had not yet received it. That having been said, the Government saw to it that all the provisions of the Covenant were fully respected. In order to offset the effects of the above-mentioned lack of resources, it had decided to invite the representatives of United Nations bodies and other international agencies concerned with human rights to visit the Sudan and observe the progress achieved. Thus, in 1996 the Special Rapporteur on religious intolerance had visited the Sudan, and in 1997 Mr. Gáspár Bíró, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan, had twice visited the country. An invitation had also been extended to the Special Rapporteur on the right to freedom of opinion and expression. The authorities had hosted visits by several parliamentarians and ministers from other countries who had come to ascertain the human rights situation. And quite recently, the Government had invited Amnesty International to send a mission to the Sudan, which showed the importance it attached to the role of NGOs.

4. The CHAIRPERSON thanked Mr. El Mufti for his introduction and invited the Sudanese delegation to reply to the questions in part I of the list of issues (CCPR/C/61/Q/SUD/3).

5. Mr. EL MUFTI (Sudan), replying to question 1, said that most of the allegations of human rights violations related to the armed conflict in southern Sudan, which had been going on since the early 1950s. Since 1989 the current Government had taken several steps to bring about a peaceful settlement of that conflict, which had had three effects. First, it had forced the authorities to proclaim a state of emergency. Secondly, it had caused large-scale population displacements. And thirdly, many complaints of disappearances had been lodged. The Government had tried to limit the effects of the conflict. The only remaining measure taken under the state of emergency was a midnight curfew. Also under the state of emergency, the authorities had confiscated sacks of grain which had been illegally imported into the Sudan at the rebels' instigation. Confiscation of goods was subject to administrative review, however, and a court had annulled the decision in question.

6. On the subject of political detainees, in 1997 the President of the Republic had promulgated a decree ordering all political prisoners to be released. Shortly thereafter, however, the security services had learned of a number of acts of sabotage in several cities throughout the country (destruction of bridges, public buildings, etc.). They had arrested 33 persons, placed them in custody and instituted proceedings against them. In 13 cases the charges had been dropped and the persons in question had been released. Thus, despite the fact that the Sudan was embroiled in an armed conflict, it was now holding only 20 persons for political reasons. Each of those persons would be tried according to the law. Generally speaking, persons convicted of political offences were regularly pardoned or amnestied, and no person convicted of such an offence had served his entire sentence since 1989.

7. There had been only two cases of disappearance up to 1995, which was a very small number in comparison with the situation in many other countries. Since then, the Working Group on Enforced or Involuntary Disappearances had submitted a list of 249 cases to the authorities. An investigation committee had immediately been established; despite a shortage of financial and other resources, the committee had travelled to the western part of the country and met 34 of the persons who were supposed to have disappeared. The meetings had been filmed and photographed. On the basis of testimony by those persons, the committee had prepared a report stating that the other persons alleged to have disappeared had in fact fled from the advancing government forces in the area, which had been held by the rebels at the time. The Working Group on Enforced or Involuntary Disappearances had taken note of the report of the investigation committee and done no more than request the addresses of the 34 persons whom the Committee had questioned. The investigation committee, pointing out that villages in the Sudan often had no street names, had provided the Working Group with the names of the communities where it had met the persons in question and offered to accompany the members of the Working Group on a visit to those communities.

8. Besides those 249 cases, the authorities had received an investigative request from Mr. Gáspár Bíró, the Special Rapporteur of the Commission on Human Rights, concerning some 25 schoolchildren who were said to have disappeared in the southern part of the country and been abducted to be sold as slaves in the north. In that case, too, the Government had promptly appointed an investigation committee, which had travelled to the south. It had concluded that the schoolchildren in question had not been sold into slavery but, by governmental decision, had been placed in military facilities in the north to complete their education. Their identities had been disclosed but, to curb the effects of the misinformation, the governor had ultimately dropped the educational measure in question. Generally speaking the Sudanese authorities never failed to respond to a complaint, and immediately ordered an investigation, whose findings were set down in a written report.

9. Concerning the issue of displaced persons, he said that the clashes between the army and the rebels had caused the displacement of more than 2 million people towards northern Sudan, where they felt more secure. They fled to the cities, especially Khartoum, and settled on the outskirts, often on wasteland. The Government had been accused of confining them to desert areas. That was not the case; the authorities made sure that they were settled less than five kilometres from a city centre. Their camps had become built-up areas, with basic services: each had a water supply point, a school and basic health services. The Government had ordered roads to be built, and every family was due to receive a plot of land to construct a dwelling which it would then own. The Government was working towards two goals: improving displaced persons' living conditions and providing assistance for repatriating those who wished to return. Generally speaking, it had been several years since any complaint had been lodged concerning the displaced population groups.

10. Replying to the last part of question 1 of the list of issues, he said that in 1996 the Sudan had signed with several rebel factions a Political Charter whose text appeared in an annex to the Sudan's periodic report (CCPR/C/75/Add.2, annex 8). That Charter stipulated that the people of southern Sudan would be able to decide their future through a referendum. It also stipulated that the Sudan was a multi-ethnic, multi-denominational and multicultural country. After the signing of the Charter, the Government had made further efforts and, in February 1997, it had concluded a peace agreement with most of the rebel factions, with the exception of the one led by John Garang. The agreement spelled out the terms of the Charter more precisely and provided for the people of the southern Sudan to exercise their right to self-determination through a referendum within four years. The agreement had been followed by the promulgation of the Fourteenth Constitutional Decree, which guaranteed freedom of religion to all and prohibited the enactment of any legislation that jeopardized citizens' fundamental rights and freedoms.

11. Sudanese law was based on the sharia and custom; rights and obligations were determined by citizenship rather than by membership of a political or religious community. All Sudanese citizens were free to take part in the political affairs of the country on terms of equality. The faction led by John Garang had said that it would hold no discussions or negotiations with the Government unless the latter accepted a declaration of principles which

the faction had adopted in 1994. The Government had shown its good will be agreeing to that demand. Consequently, discussions between the representatives of the Government and those of the rebel factions, including the faction led by John Garang, were due to begin in Nairobi the following day.

12. Replying to question 2 of the list concerning extrajudicial executions, he said that the authorities had received only one complaint in that connection, in 1992. At the time the rebels had managed to seize the city of Juba for one day, following which it had been retaken by the government forces. The authorities had received a complaint to the effect that people working for international organizations in Juba, who had been accused of collaborating with the rebels, had been arrested and summarily executed. Immediately on receiving the complaint, the authorities had opened an inquiry. Owing to the conflict, the inquiry had taken some time, but it had been completed and had led to a report stating that a small number of persons had in fact been arrested for collaborating with the rebels. They had been placed in custody and tried. At the conclusion of the trial, i.e. two months after the events in question, they had been sentenced to death and executed. And so there could be no talk of extrajudicial executions.

13. Regarding cases of torture, he drew the Committee's attention to annex 20 of the periodic report, containing a list of law enforcement officers convicted of acts of torture. The Government did not deny that such acts had occurred, but whenever it received a complaint of torture, it immediately ordered an inquiry. He mentioned the case of six police officers who had been convicted of extracting confessions from individuals through torture that had allegedly resulted in their deaths. The officers in question had been tried and sentenced to death. In any event, the Government followed cases very closely and saw to it that no act of torture went unpunished.

14. Replying to question 4 of the list, he said that the Sudanese authorities had introduced human rights training for members of the armed forces. In particular, they had negotiated with a Western country a technical assistance programme to instruct the members of the armed forces in humanitarian law. In the interests of familiarizing the army with international law, the army was represented on the Sudanese Advisory Council for Human Rights.

15. With regard to the death penalty (question 5), no statistics were available on the number of executions in comparison with the number of death sentences, but annex 22 of the periodic report contained information on crimes punishable by the death penalty. He could say, however, that since 1973, when he had taken up his duties, execution had been avoided in 90 cases involving the death sentence, either because the higher court or the President of the Republic had not confirmed the sentence or because blood money - the diya - had been paid. When reference was made to cruel, inhuman or degrading treatment or punishment, what was generally meant was stoning, amputation and flogging. Those three punishments formed part of the Islamic faith, but they were accompanied by many guarantees. First of all, no stonings had occurred in the history of the Sudan, and in the entire history of Islam stoning had been ordered only once, in the time of the Prophet, because the accused had confessed. For stoning to take place, there had to be four eyewitnesses to

the acts with which the accused person was charged. An accused who had confessed could retract the confession. No one had ever been punished by stoning in the Sudan.

16. Amputation could be ordered in two cases: armed robbery resulting in the victim's death and theft of an amount higher than the equivalent of 4.25 grams of gold. If it could be proved that the theft had been committed in order to buy food or medicine, the punishment was not carried out. In any event, provision was made for imprisonment as an alternative sanction. Medical examinations were also conducted to ascertain whether the convicted person could withstand amputation. Flogging was also accompanied by guarantees: it must not result in the slightest injury, not even a scratch, and women must be seated. Pursuant to article 5 of the Criminal Act of 1991, Islamic criminal law was not applied in southern Sudan, which had a large Christian population.

17. With regard to gender equality (question 7), annex 10 of the report, contained statistics on the percentage of women employed in the civil service and education. More than 50 per cent of employees in the Ministry of Finance were women, women represented more than 50 per cent of students at the University of Khartoum, five Supreme Court judges were women and there were women deputies in Parliament. Women received equal pay for equal work and other benefits. They enjoyed all political rights and could even stand for election as President of the Republic. The elimination of harmful traditional practices was a difficult issue, and the Sudanese Government was making considerable efforts to deal with it, as Ms. Warzazi had acknowledged in 1996 in her report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Many NGOs were trying to educate the public with a view to gradually eliminating such practices, none of which was established by law, but all of which were rooted in tradition. The most important goal was to convince the people that such practices were harmful, and that the authorities were trying to do. Regarding divorce, women were entitled to provide for the possibility of divorce in the marriage contract. In inheritance matters, the very widespread misconception that men received twice the inheritance of women needed to be refuted. In some cases the law stipulated that women received twice the share of men, while in other cases the opposite was true. If a man was favoured, he was automatically responsible for supporting the family.

18. Members had asked about the impact of the Public Order and Behaviour Act of 1996 on equal rights for women. The Act contained public order provisions applicable to the city of Khartoum, for example prohibiting ceremonies after 11 p.m. and the use of firearms during ceremonies. The provisions of the Act which applied to women might be termed "positive discrimination", as they stipulated that one door and 25 per cent of the seats in the public transport system should be reserved for women. The Act contained other provisions relating to public services, all of which made life easier for women.

19. On the situation of children in armed conflicts (question 8), and in particular the steps taken to prevent abduction and slavery, he said that a

commission had been established for the express purpose of inquiring into cases of abduction and slavery. That commission, which was open-ended, had already produced two reports.

20. Concerning question 9 relating to the rights of persons belonging to minorities, the Constitution and the Fourteenth Constitutional Decree stipulated that Arabic was the official language and English the second language, and that the Government had an obligation to promote all languages, which were by that token recognized. Concerning recognition of other religions, he noted that the sharia was no longer the only source of law and that custom was now also applied.

21. Mr. EL RADI (Sudan) said that he had been a judge in the Sudan for 25 years and was currently a member of the Permanent Court of Arbitration at The Hague and, in his own country, President of the Technical Committee of the Constitutional Commission. He was therefore bound to tell the truth, and determined to do so. The Sudan was encountering serious political and social problems, but changes were emerging. To help the Sudan it was important to understand the situation and conditions in the country, which had been severely damaged by the war and needed expert support and advice and other types of assistance. It must also be clearly understood that Islamic law was applied by present-day jurists who recognized modern concepts such as the doctrine of necessity as a ground for not ordering amputation. It was also important to acknowledge that circumstances sometimes made it necessary to take emergency measures which any country would have taken in order to maintain public security.

22. The CHAIRPERSON thanked the Sudanese delegation and invited members to ask questions relating to part I of the list of issues.

23. Mr. EL SHAFEI said that the Sudanese delegation's presence and the report's wealth of detail showed the Government's desire to hold an exchange of views with the aim of resolving its problems. There was no doubt that the dialogue would be fruitful. The report was being considered at a turning point in the history of the Sudan, which was endeavouring to put an end to an armed conflict. The public-order and security problems facing the authorities were forcing them to take steps that were not always in conformity with the Covenant, and certain representatives of the authorities were committing abuses in the performance of their law enforcement duties. That was a potential area for government action, through the provision of training. Other than the promulgation of the Fourteenth Constitutional Decree, which was a good sign that rights would be restored, there did not appear to have been any changes in the constitutional framework for implementation of the Covenant; he would like to know whether any other legislation had been enacted to enhance the exercise of rights and freedoms. The authorities continued to maintain that the armed conflict made the exercise of all rights impossible, but that was too vague an objection.

24. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan had referred in his report (E/CN.4/1997/58) to the torture of people from all religious, economic and social backgrounds, people who had not been charged with an offence and people who had no connection with any political group. He wondered whether all

political activity was prohibited in Sudan and what steps were being taken to ensure the implementation of article 25 of the Covenant. It was also his impression that judicial guarantees were not being respected, and he would like to learn about the conduct of the trials of the 15 or so officers sentenced to death in August 1996 for abuse of authority. He would also appreciate information on the 31 Sudanese civilians tried by a military court and convicted, after in camera proceedings, by three officers. Others had been tried in their absence on suspicion of membership of the People's Liberation Army. The Government argued that the state of emergency justified such trials, but people could only be tried in accordance with the law, and he wondered on what legislation those cases had been based.

25. Ms. Medina Quiroga took the Chair.

26. Lord COLVILLE welcomed the delegation's frankness in acknowledging that the Sudan was indeed encountering difficulties and would welcome the Committee's help. By sending in advance to the delegation a copy of the list of issues to be taken up in connection with the consideration of the second periodic report of the Sudan, the Committee had hoped to make the delegation's work easier. However, the delegation had not replied to all the questions on the list.

27. With the exception of the contents of annex 20 to the periodic report, the delegation had provided very little information in reply to question 3, for example. Among the subjects of concern brought to the attention of the members of the Committee were the actions of the paramilitary troops of the Peoples' Defence Force (report, para. 75). What training did the members of that Force receive? And given that they were led by army officers, what steps were taken to prevent abuses, especially in connection with the use of firearms? What disciplinary measures could be taken against them?

28. In question 7, the Committee had asked about the impact of the Personal Status of Muslims Act of 1991 on gender equality, but had received no reply. Concerning question 8, the members of the Committee had been informed that young people of school age were being enlisted into the army and perhaps even the People's Defence Force. He would like to know whether that was so since, in his view, those young people should be in school and not in the army or paramilitary groups. Nor had the delegation provided many details on question 9, concerning the rights of minorities. While he understood that the population displacements and various uprisings in southern and eastern Sudan created difficulties, he would very much like a response to that question.

29. The Sudanese delegation had spoken of the committees established to investigate disappearances and allegations of slavery, especially in connection with the events in Juba (1992). Were the reports of those committees made public? They had not been made available to a number of NGOs which were closely following the situation in the Sudan. He believed it was in the Sudan's interest to describe the committees' methods, composition and mandate, and the results of their inquiries.

30. Undeniably, most of the human rights violations originated in the disturbances and instability that had been afflicting the country for so long. Hence the Committee's keen interest in any peace initiative, and notably the

adoption of the 1994 Declaration of Principles. The Committee would appreciate being informed of the contents of the Declaration and of the results of the meeting due to take place in Nairobi the following day, 29 October 1997.

31. Mr. YALDEN commended the Sudanese delegation for its openness. Commenting on question 7 of the list relating to gender equality, he said the information which emerged from the report and the delegation's statement was scanty. For example, it was not sufficient to say that 75 per cent of the people employed in the Ministry of Finance were women (report, para. 35), as that statistic did not indicate how many were cleaners, secretaries or departmental heads. On the other hand, the proportion of women in higher education, mentioned in paragraph 50 of the report, was very interesting and important for the future of women in the Sudan.

32. The second point he wished to raise concerned the 10-year plan for women drawn up in 1995 (para. 52), some of whose goals seemed particularly important for the status of women. Unfortunately, paragraphs 52 and 53 of the report did not give an idea of how the situation was developing. The mechanism for implementing the plan was the Women's Coordinating Unit; he would like to know who supervised that Unit, whether it produced reports, to whom and on what.

33. Also concerning gender equality, the delegation had said that certain measures should be considered as "positive discrimination", aimed at making women's lives easier. Some explanation was called for since such measures actually seemed to constitute discrimination pure and simple, as the Special Rapporteur on the situation of human rights in the Sudan had pointed out. He would appreciate an explanation by the delegation of the Personal Status of Muslims Act, as Lord Colville had requested. He would also like to know whether the Sudan intended to eliminate harmful traditional practices from legislation and practice once and for all.

34. The only information provided on question 9 concerning the rights of persons belonging to minorities, was to be found in paragraph 151 of the report, which consisted of a very general statement. The delegation had referred to that issue in its introduction, stating that religions other than Islam were recognized. Annex 32 of the report did contain a list of churches, both Catholic and Protestant, and their institutions in Khartoum State. According to the Special Rapporteur, however, Christian groups complained of harassment. It had also been stated that all languages were recognized, but that the language of communication was Arabic. What was meant by the other languages being "recognized". Did that mean that a document in a language other than Arabic had official status and that government agencies could be addressed in a language other than Arabic?

35. Mr. POCAR said he was pleased to hear that the Sudan was opening itself to international monitoring and accepted the presence of NGOs, as the reports of the various Special Rapporteurs of the Commission on Human Rights complained of a lack of cooperation by the authorities and gave a different impression.

36. In addition to the questions asked by the other members of the Committee, which he endorsed, he would like to raise one on impunity. The

Sudanese delegation had cited a number of cases of penalties imposed on government officials or employees in support of its statement that impunity did not exist. But what did the delegation have to say about the National Security Act (report, para. 99 and annex 27), which expressly stated that members of the security services could not be prosecuted for offences committed in the performance of their duties? Other reports indicated that there were very few cases of punishment in comparison with the number of violations reported.

37. Concerning the death penalty, it was his understanding that there were no statistics available on the number of executions in recent years. He would like to know whether that situation was temporary, as he hoped that the Committee would be sent those statistics in writing at a later stage. Such statistics would show whether the death penalty was pronounced only for "the most serious crimes", as required by the Covenant, and in how many cases it was carried out. It was his impression from the delegation's statement that the death sentence had not been carried out in 90 cases, but that did not indicate the proportion of all convictions presented by those 90 cases. He wondered whether Sudanese legislation was fully in conformity with the Covenant as far as the definition of "most serious crimes" was concerned. Violations of currency and exchange regulations could carry the death penalty in certain cases; in 1993 there had been at least two executions for violations of those regulations. He was not certain that such offences could be categorized as "most serious crimes" within the meaning of article 6 of the Covenant.

38. Apostasy was a crime which carried the death penalty in the Sudan. He would like to know how that was compatible with the Fourteenth Constitutional Decree of 1997, whose guiding principles were that freedom of religion was guaranteed to all and that no one could be forced to adopt a religion or belief.

39. Concerning the guarantees relating to the death penalty, paragraph 71 of the report stated that the death penalty could not be imposed for crimes committed by persons below 18 years of age. According to the Criminal Act of 1991, however, the death penalty could not be pronounced against a person below 18 years of age or over 70 years of age, but with exceptions for certain crimes such as consumption of alcohol, theft, armed robbery, slanderous charges of unchastity, illicit sexual relations and apostasy. Assuming he had understood correctly, he wondered whether Sudanese legislation could be considered to be compatible with the Covenant.

40. The methods of carrying out the death penalty raised similar considerations. According to the legislation, execution could be carried out by hanging, by stoning or in the way in which the criminal himself had killed and could even involve crucifixion. How could such provisions be compatible with the Covenant? In connection with paragraph 72 of the report, he would like clarification of the real reasons why the Sudanese Government maintained the death penalty in force, since the reasons it gave for doing so were entirely different from those mentioned in article 6 of the Covenant.

41. Ms. Chanet resumed the Chair.

42. Mr. BUERGENTHAL welcomed the April 1997 peace agreement, which augured well for the future of religious freedom and appeared to be reflected in the Fourteenth Constitutional Decree. He was not clear whether that Decree was already in force. Focusing on religious freedom, he asked about the truth of reports from several reliable NGOs to the effect that the authorities engaged in religious propaganda in the prisons, armed forces, civil service and universities. It had been reported that a 45-day programme of military-religious training existed for preparing combatants to take part in the holy war in the south, and that the programme was compulsory for civil servants, university students and others. Was that so?

43. The report of the Special Rapporteur on the situation of human rights in the Sudan referred to a Catholic centre where more than 600 boys and girls had been attending school, and whose demolition had apparently been ordered by the Social Planning Committee, together with the destruction of religious books and educational material. If that was so, did the Government intend to rebuild the centre? Similar demolitions had apparently taken place in 1997. He wondered how the Government could take measures against those responsible if the law made it impossible to prosecute public officials who had committed or authorized such acts.

44. The Special Rapporteur had also made reference to church representatives being denied the right to distribute food in camps for displaced persons around Khartoum. Church personnel working with displaced persons had also reportedly been arrested by the security forces. If those reports were true, what were the authorities doing to put an end to such acts? He noted that religious persecution of that type merely intensified the armed conflict, which, in turn, gave rise to other serious violations of fundamental rights. Proselytism, moreover, tended to divide the population along religious lines. It was to be hoped that the delegation could refute those reports.

45. His last question concerned the public order courts. What was their area of competence? Were their procedures in conformity with the provisions of article 14 of the Covenant, especially with regard to the independence and impartiality of their judges?

46. Ms. MEDINA QUIROGA said that she had a number of questions about women's status and gender equality. The report stated that there was de jure and de facto equality of the sexes in the Sudan (para. 35). The examples given by the delegation, however, clearly indicated that rights were unequal. The delegation had explained that certain differences in treatment in fact constituted "positive discrimination". However, positive discrimination was authorized only on a temporary basis and only to the extent that it was clearly aimed at attaining equality with men.

47. She would have liked the report to indicate the differences in the treatment accorded to men and women in relation to each article of the Covenant. In connection with article 6, for example, she would like to know whether the death penalty was carried out differently for men and for women and whether the crimes carrying the death penalty were different for men and women. She would have liked the report to deal with maternal mortality, which

was extremely high in the Sudan, no doubt partly due to the genital mutilation practised on girls, early marriage, illegal abortions and the difficulty of access to contraceptives. She would like to hear the delegation's replies.

48. In connection with article 7, the report made no mention of genital mutilation of women. The delegation had spoken of a reservation entered by the Sudan to that article, but she had found no trace of it. If genital mutilation was not authorized, why was it not prohibited by law? The Sudanese authorities could ask judges to prosecute persons perpetrating genital mutilation for offences against the person or intentional wounding, for example. She would like to know whether the Sudan was considering conducting a systematic campaign to put an end to that practice.

49. With regard to article 12 of the Covenant, she would like to know in exactly what circumstances a woman could leave the country, since women apparently needed someone to accompany them and a reason for travelling, requirements that did not seem to apply to men. Concerning article 16, it was her impression that women were legally minors as far as the exercise of their civil rights were concerned: they could not be called as witnesses, or if they were, their testimony did not carry the same weight as men's. She would also like clarification concerning the dress code since according to information she had received, female students had been arrested on 23 August 1997 for "obscene" dress (loose trousers and long shirts); they had been tried in summary proceedings without being able to inform their families or a lawyer, and flogged. Such an episode represented a violation of articles 14, 17 and 26 of the Covenant.

50. In connection with article 23, she would like to know exactly what the marriageable age was, since for it was her understanding that girls as young as 10 could marry. Given that girls in the Sudan married at the age of 10 and genital mutilation was practised, it was not surprising that there was such a high maternal mortality rate. Information on consent to marriage would be appreciated. It was also her understanding that women must have a guardian who would make a contract with the man, and that the guardian could be prosecuted if the woman subsequently chose a different man. That would not be in conformity with the provisions of the Covenant, which required free and full consent.

51. Women could not be given child custody as custody was awarded to the father, could not obtain residential plots, could not declare their husband as a dependant and needed their husband's consent to work. It was obvious that women's situation was radically different from that of men, due no doubt to family law. As a party to the Covenant, however, Sudan could not maintain in force provisions that were at such variance with the rights set forth in the Covenant. In conclusion, she wondered whether the educational level of women in the Sudan was as high as the periodic report indicated (para. 50).

52. Mr. SCHEININ said he would like the delegation to revert to questions 7, 8 and 9 of the list of issues. As a large number of NGOs and international observers had noted, the large number of extremely serious human rights violations alleged to have been committed in the Sudan, especially southern Sudan, which included murder, torture, rape, abduction of children, slavery, forcible child labour and sexual mutilation of girls, could be considered to

amount to genocidal practices. He would like to know whether the Government of the Sudan was aware of the seriousness of those allegations and whether it intended to take steps to allay all suspicions.

53. Mr. EVATT said that the delegation had mentioned only one case concerning an allegation of torture in its replies to the Committee's questions. Yet the Special Rapporteur of the Commission on Human Rights on torture, and also numerous NGOs, had attested to the widespread use of torture by the Sudanese armed forces, police and security forces, torture which had gone entirely unpunished. In that connection, she would appreciate the delegation providing explanations on three specific cases reported by a NGO, the Lawyers' Committee for Human Rights, concerning Madioline Raj-al-Tamir, Shibab Yousif and Buthina Doka, two students and a nurse who had been arrested, the first two in 1985 and the third in 1990, on no apparent legal grounds and severely tortured.

54. Regarding corporal punishment, she noted that the delegation had confirmed that punishments such as amputation and flogging were still practised in the Sudan. Yet the Government must realize that, besides the fact that such punishment was entirely incompatible with the provisions of the Covenant, it was not actually prescribed by any religion whatsoever. According to reports from certain NGOs, she asked why the organizations that called for easier penalties had undergone punitive amputations were consistently prevented from doing so, besides the fact that their aims were of a strictly humanitarian nature.

55. Concerning the status of women, she fully associated herself with all of Mr. Medina Quiroga's questions. In addition, she would like details of the principles governing the Sudanese Nationality Act, which stipulated that nationality could be transmitted only through the father, and the legislation on equal remuneration for men and women. She also drew attention to the need to correct certain inconsistencies in Sudanese legislation, such as the fact that women could be family court judges but were prohibited by the Personal Status of Muslims Act from being called as witnesses.

56. She was deeply alarmed at reports from various sources to the effect that members of the governmental armed forces were abducting women and children and selling them into slavery, not only in southern Sudan but as far away as Uganda. She was aware that the Government of the Sudan attributed such actions to tribal conflicts among local populations in the region, but it was nevertheless the authorities' duty to put an end to such practices.

57. Mr. PRADO VALLEJO said he shared the concern voiced by other members of the Committee at the alarming human rights situation in the Sudan. Regrettably, there appeared to be a deliberate and ongoing state of political repression in the country where the torture of untried and tried prisoners was very frequent. He recalled that when the Sudan's initial report had been considered, the delegation had said that corporal punishments such as amputation and flogging had their source in Islamic law and the Koran. He wondered whether that principle was still applied in the Sudan, given that other countries which used Koranic law had eliminated such punishment, which was cruel and inhuman, from their legislation.

58. Apart from the apparently continuing political repression, he was concerned at the impunity enjoyed by those responsible for gross human rights violations, as there was no inquiry procedure for such violations, no prosecution of those responsible and no compensation of the victims.

59. Paragraph 141 of the report stated that political parties were not allowed in the Sudan and, according to paragraph 136, freedom of the press was severely limited. He therefore wondered to what extent democratic principles were respected.

60. He noted that the human rights situation in the Sudan was of concern not only to the Committee, but also to some very high-level organs such as the United Nations General Assembly and the Commission on Human Rights, which, at their 1995 and 1996 sessions, had expressed alarm at reports they had received and asked the Sudanese authorities to do everything in their power to remedy that deplorable situation. Despite that, the Government did not appear to have given any indication of a political will to do so, but it was to be hoped that there would be a change of attitude and that the Government would fulfil the obligations it had assumed under the Covenant and guarantee Sudanese citizens the rights which it was under an obligation to safeguard.

61. Mr. ANDO agreed, with regret, that the information given in the Sudan's report was insufficient, especially with regard to articles 20 to 27 of the Covenant, but he hoped that the dialogue with the Government would continue, as the Committee always sought to contribute to an improvement in the human rights situation in the States parties whose reports it considered.

62. He would like clarification from the delegation on whether the fact that the country applied the sharia and followed Islamic customs - in particular regarding the status of men and women in society - helped resolve the problems encountered in implementing the Covenant's provisions. He also wondered whether the continuation of the internal conflict was not to a certain extent due to the Government's policy of Arabization and Islamization, and asked whether it was planning to modify that policy.

63. Mr. KRETZMER endorsed the comments made by other members of the Committee. He would like information on the new National Security Act of 1994 including details of the rights and powers which the Act conferred on the National Security Council to order the detention of private individuals, whether it was possible to appeal against decisions taken by the Council, and whether the earlier 1990 legislation provided for anyone placed in detention to be informed of the reasons for the detention and protected against any form of physical ill-treatment. Referring to paragraph 96 of the report, which stated that a committee had been established to investigate allegations of slavery in the Sudan, he would like to know the results of the committee's work after nearly a year's in existence.

64. Further information on the situation of street children in the Sudan would also be welcome. He asked for confirmation of reports that the government forces had interned hundreds of street children in camps. He would like to know the exact restrictions on women's rights and freedoms under the Personal Status of Muslims Act. He would also like to know whether it was true that a woman must receive permission from a man with authority over her

in order to leave her house, whether the police were also entitled to monitor women's movements and what were the specific provisions of the dress code that applied to women. Regarding discrimination in education, he asked whether access to higher education in the fields of technology or law was reserved for men or whether there was no differentiation between the sexes.

65. The CHAIRPERSON invited the delegation of the Sudan to reply to the additional questions asked by members of the Committee.

66. Mr. EL MUFTI (Sudan) noted that the members of the Committee had generally expressed regret at the shortage of information provided on the various aspects of the situation described in the second periodic report. His delegation agreed that the information had not in fact been as copious and detailed as it would have liked, but that was due to a lack of resources rather than any lack of good will on the Government's part.

67. Replying to the questions about the National Security Council, he said that it was a unique body, divided into two branches which dealt with internal and external security respectively. With regard to constitutional developments, the Government that had been established in 1989 had initially been led by the Revolutionary Command Council, which had been dissolved in favour of a transitional national assembly, and only in 1996 had general parliamentary and presidential elections been held, in the presence of international observers, including representatives of the Organization of African Unity and the Organization of the Islamic Conference. At the current, fourth stage, a permanent constitution was being prepared by two technical committees, which would define the type of democracy to be introduced in the Sudan. There were no restrictions on freedom of the press, as attested by the fact that a daily newspaper whose licence to publish had recently been withdrawn had appealed against the relevant court decision, which had been quashed. On another matter, the reason why the founding of political parties was not allowed in the Sudan was the negative experience the country had had with such parties, which were based only on their religious and ethnic affiliations, at three different points in its history. Democratic principles were not neglected, however, as the authorities had opted for direct democracy, which enabled every citizen to elect the person of his choice to the organs of government.

68. The CHAIRPERSON said that the delegation of the Sudan would resume its replies to members' questions at the following meeting.

The meeting rose at 1 p.m.